

March 26, 1998

Re: RM-9242

DOCKET FILE COPY ORIGINAL

Dear Sir or Madam:

Please find enclosed 1 original and 9 copies of comments on RM-9242 all with original signature I wish to place before the Commission as per rules.

Respectfully submitted,



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List A B C D E

In the Matter of }
 }
 } RM-9242
Proposal for Creation of the Low Power FM }
(LPFM) Broadcast Service }

1

II.

The public interest would be served by allowing "microbroadcasters" to take to the airways, in the FM Broadcast Band (88-108MHz), since these stations would serve a small niche community not presently served by regular broadcast community, such as schools, government entities, ethnic communities, and small isolated communities. Since most communities are now served by corporate entities not usually based in the Community they serve, it is getting hard to get localism from Radio Stations run automatically from

a remote site. Localism is and should be a key part of this move into Microbroadcasting.

III

The "Pirate" problem shows an underlying problem towards the Organized Broadcasters and their monopoly on the services offered to the Public. Most media outlets are owned by the same firm in my area and this stifles the free expression of the Public Will and Sentiment since the elimination of the ownership rules. As a private citizen, I feel that the public need is not being met by the broadcast community at present because most media outlets are controlled by a handful of persons or entities who have very little interest or background in the community they serve except the people running the outlet, then their interest must be tempered against the corporate policy of the media outlet owner. By making a simple process available to allow for Low Power FM Stations, this would give the frustrated "Pirates" an outlet under Commission scrutiny and eliminate intentional and unintentional interference caused by the use of poorly constructed broadcast facilities.

IV

Ownership of the Low Powered Stations or Microbroadcasters should remain in the local area as proposed upon the following conditions:

1. The owners and operators should reside in the community they serve and must not own any other broadcast media as to prevent consolidation of interests.
2. Corporate Entities should be required to be a Chapter "S" Corporation or Non-Profit Organization with its major business office in the local served area and a majority of the stockholders residing in the area served as to prevent circumvention of the local ownership rule.
3. Partnerships or Limited Liability Companies shall consist of only Natural Persons.
4. No transfer of any license should be allowed for a year after start of broadcasting operations as to prevent speculation in stations.
4. Ownership of said stations should be limited to one station in an ownership area by the same entity or closely related family members as to keep stations from being controlled by a few persons.
5. No licensee should be a retail store defined as for-profit operation serving the public at large as to prevent retail store operators from acquiring a license solely for the purpose promoting its services or wares.

There should be several classes of FM Stations in the Low Power range with all Low Power Stations being on secondary status on a given channel in the Low Power range in Part 73. They should be designated as follows:

1. #4-Special Events Station should be limited to a 28 day total only to be used with a single Special Event. ERP limited to 20 Watts with 50 Foot (15 meters) HAAT Antenna. Co-channel spacing by determination by operator of record. Such stations must operate on the principal of they must not cause interference and must cease transmission if notified of any interference by the commission or an offending station. The 1 mV/M (60dbu) contour line would only reach to 1.6 miles from the antenna location at 20 watts ERP.
2. #3-Low Power station limited to 20 watts ERP MAX with an Antenna HAAT of 100 Feet (33.4 meters). By limiting this class of station to 20 watts ERP max, a very close service area/contour line can be created with the greatest amount of stations in a short spaced area. This would allow for more stations to serve the public. It should not be protected from other LPFM Stations except by the bare minimum spacing. The 1 mV/M (60dBu) line would only reach to 2.3 miles (3.5km) at 20 watts ERP.

3. #2-Low Power Station limited to 50 watts ERP MAX with an Antenna HAAT of 150 Feet (46.8 meters). This class of license should be rural in nature and for small isolated communities where spacing with other full power and Low power stations will not be critical to prevent interference. This would allow for greater contour/service area based upon the projected need of the broadcaster. Again, no protection except by the bare minimum spacing. The 1 mV/M (60dBm) contour line would only reach to 3.6 miles (5.5km) at 50 watts.
4. #1-Low Power Station limited to 100 watts ERP MAX with an Antenna HAAT limited to 198 Feet or (60.4 meters) with spacing on par with the full power stations. This class of license should be reserved for very rural areas since their placement could be limited by their higher power and antenna height. Again, limited protection should be given to this class of station as is the case with all low power FM Stations. At the this power. 100 watts, the 1 mV/M (60dBu) contour line would only reach to 5.0 miles (8.7km).

VI.

Spacing protection on all classes of Low Power FM Stations should be the bare minimum to allow for the placement of the maximum amount of stations in a given area. Market Areas should not be used for determination of how many stations an area can support, frequency wise, but the actual location of the transmitter with the coordinates designated in Latitude and Longitude down to the Seconds as can now be determined by the GPS system now in use. This would allow for the commission to develop a comprehensive database and allow future broadcasters and persons wishing to set up Low Power FM Stations to determine the open Channel(s) in a given area around a certain location. By using the existing F50/50 Distance to Contour Chart as calculated by Section 73.333 of the FCC Rules along with the elimination of 2nd and 3rd Channel spacing rules. Co-channel and first adjacent channel should be determined by "A desired to undesired signal ratio" which can be determined by current software and applied to any proposed station to see if approval can be granted without extensive surveys and expensive engineering requirements. Since the Commission can predict interference under the short-spacing rules, all that would be necessary is to set the database up in a minimum of time on the internet to see if a channel would be open in a certain area. This would greatly speed up the application process and allow anyone desirous of setting up a broadcast station the opportunity. The effort saved to the commission would be great due to predetermined availability of channels and sites and the elimination or minimization of rejected

applications resulting in frustration.

VII

In your Notice, no mention is made of a provision to cover the following Scenario:

Should a station cease operations or "go dark" for a period longer than 30 days, then the administrative arm of the Commission should be able to declare the Frequency open, recall the license of the current operator and set up a new licensing application upon the motion of any interested party residing in the service area within a set range after due notice by registered or certified mail. My main reason for this proposal is stir thought on how to simplify the process the revocation of a License while protecting the public's interest and the Constitutional Rights of license holders and to prevent licensees from holding licenses without using the privileges therein granted to serve the public. A minimum amount hours of operation either daily or weekly should be established as to prevent license holding. If the Commission is petitioned upon license renewal that the community interest is not being served, then a hearing should be held as is per full power stations.

VIII.

The initial application process should opened for a long enough filing window to determine which areas/frequencies may have more than one applicant

(mutually exclusive) and need a lottery type drawing as proposed, however, if more than one frequency is open in an area or can be used, then the applications should be awarded on a first come first served basis if the channel loading in an area will support such a wide approach as to allow the Commission fulfill the placement of all of the applicants for a given area. The only determining factor to who occupies a certain channel should be by mutual agreement or by random lottery if the applicants can not agree within a certain window, not greater than 14 days. If after the initial open period or filing window has closed and no applications has been filed for an area or Frequency, then allow unsuccessful applicants otherwise qualified from the service area to apply after all initial applicants have been served and anybody qualified would then have a second chance to obtain a channel. If the after the second open window if there are no applicants, then allow the allocation to be filled on a first come, first served basis with an open window. By elimination of owners of other types of mass media, fair playing ground can then be created by trying to take the incentive for quick profits or consolidation of holdings by other broadcasters.

IX.

I further propose that the educational FM portion of the band be opened up to Non-profit groups, Churches, Schools and Associations with Schools having a first priority in obtaining a license. In my area, this portion of the Band is underutilized and should be made available to those worthy organizations who do not need a full power stations but have message to deliver to the community. By allowing these channels to be used, a great deal of channel loading could be made more efficient with the greater amount of total channels available in an area.

X.

All transmitting equipment should be Type Accepted with the Low Power Transmitter being frequency controlled with a minimum of adjustments which could be performed by the operator with all control limits preset. By using plug and play type accepted equipment, interference would be greatly minimized, unintentional interference by the generation of harmonics and spurious emissions will be eliminated. By keeping the output wattage to a minimum, exposure to RF is minimized to acceptable levels. Limiting the antenna height to a general set amount, hazards will be minimized to Air Navigation with exceptions to antenna height granted by commission scrutiny as needed by the coverage area or to cover a greater area after a hearing by the Commission. All stations should be inspected by a holder of a GROL (General Radio Operator License) or other technical person such as a manufacture's representative before the start of initial transmission to ensure proper operation of

the transmitter, proper power output and ERP along with understanding the operator's role in ensuring the proper operation of the station.

XI.

The application fee for such as station should be reasonable to service created and be no more than \$200.00 for an application. The license should be a regular term as is the case with Full Power Stations. All equal employment rules should be maintained as well as those Parts of Section 73 and 74 regarding broadcast taboos, spectrum purity, and engineering standards as to preserve the efficient use of the FM spectrum.

XII

I respectfully request the Commission to create this special service, THE LOW POWER BROADCAST SERVICE as service to those parts of society not served by regular broadcast services such as ethnic communities, religious groups, small communities, schools, and the general diverse society in which we live and work. This service can be created to serve the public good and should be created to balance those interests not found in regular broadcast outlets. I may not agree with a position a person may possess but we as a society must give each person the right to be heard and his or her ideas must exposed to the common market of society as to fully allow an impartial judgment of the idea expressed before the whole of society. This proposed service would allow the general public access to that forum, not be a burden to the FM Broadcast Community since the channel loading would be minimal and greater

advances in receiver selectivity have made Low Power FM Broadcast a possibility.

We must not allow emotion to downplay this proposal but allow the Law of Physics to demonstrate how this service could co-exist with full Power Broadcaster to the greater enrichment of our Nation, culturally, spiritually and economically. Canada has adopted Low Power Broadcasting, I ask the Commission to study how it is done in Canada and how it can be used in the United States of America for the public good.

Submitted by,

A handwritten signature in black ink, appearing to read "Martin D. Wade", written over a horizontal line.

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